



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-5000

January 28, 2010

OFFICE OF PUBLIC AND INDIAN HOUSING

Ms. Mary-Anne Morrison  
Associate Director of Public Housing and Rental Assistance  
Massachusetts Department of Housing and Community Development  
100 Cambridge Street, Suite 300  
Boston, MA 02114

Subject: Broader Uses of Funds Authorization

Dear Ms. Morrison:

Enclosed you will find the language for the First Amendment to the Massachusetts Department of Housing and Community Development's (MADHCD) Standard Moving to Work (MTW) Agreement, which will amend Attachment D of the MADHCD Standard MTW Agreement in order to allow for the broader uses of funds authority.

The amendment to Attachment D provides MADHCD with the authority to use MTW Funds to provide housing assistance for low-income families, whether or not any such use is authorized by Sections 8 or 9 of the 1937 Act, provided such uses are consistent with other requirements of the MTW statute.

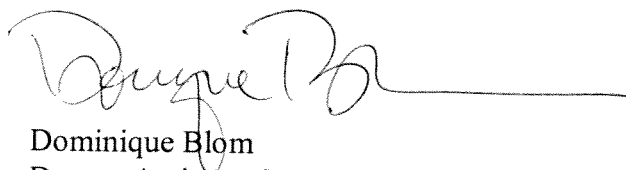
The Department recognizes that MADHCD was authorized by its Original 1999 MTW Agreement to implement activities outside of Sections 8 and 9, and that MADHCD has been engaging in these activities for a number of years with HUD approval. When MADHCD executed the Standard MTW Agreement in 2008, the continuation of broader uses of funds authority was inadvertently left out of MADHCD's Agreement. Amending Attachment D at this time will ensure that MADHCD's Standard MTW Agreement reflects both HUD and MADHCD's intentions to retain broader uses of funds authority and continue all approved activities outside of Sections 8 and 9.

MADHCD is proposing to continue implementation of its 183-unit pilot voucher program, administered on behalf of MADHCD in Boston by the Metropolitan Boston Housing Partnership and in Worcester by RCAP Solutions, Inc. I am pleased to inform you that your request is approved.

Attached you will find an updated Attachment D, which you should use to amend your Standard MTW Agreement. You will need to follow the amendment and public hearing requirements (outlined in Section V.A. of the Standard MTW Agreement) in order to amend your Standard MTW Agreement. Please note that additional uses of funds proposals must first be included in subsequent Annual MTW Plans, which will be reviewed and approved by HUD, before MADHCD can implement the activities.

If you have any questions, please contact Emily Cadik, your MTW Coordinator, at 202-402-4096.

Sincerely,

A handwritten signature in black ink, appearing to read "Dominique Blom", followed by a long horizontal line extending to the right.

Dominique Blom  
Deputy Assistant Secretary  
Office of Public Housing Investments

**FIRST AMENDMENT**

**TO**

**AMENDED AND RESTATED MOVING TO WORK AGREEMENT  
BETWEEN  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
AND  
MASSACHUSETTS DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT**

This First Amendment to the Moving to Work (“MTW”) Agreement dated June 19, 2008 (“Agreement”) is entered into by and between the United States of America through the U.S. Department of Housing and Urban Development (“HUD”) and the Massachusetts Department of Housing and Community Development (“Agency”) and is effective as of \_\_\_\_\_, 2010. Unless otherwise defined herein, all capitalized terms used herein shall have the same meanings ascribed to them in the Agreement. Attachment D is amended as follows:

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Add the following language after the Section entitled “General Conditions.”

**Use of MTW Funds**

The Agency and HUD acknowledge that Section 204(a) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134) provides that an agency participating in the MTW demonstration program may combine public housing operating and capital funds provided under Section 9 of the U.S. Housing Act of 1937 (the “1937 Act”) and voucher program funds provided under Section 8 of the 1937 Act “to provide housing assistance for low-income families, as defined in section 3(b)(2) of the 1937 Act, and services to facilitate the transition to work on such terms and conditions as the agency may propose and the Secretary may approve.”

The Agency and HUD further acknowledge that the terms of the agreement under which the Agency participated in the MTW demonstration program prior to the Amended and Restated MTW Agreement (the “Original MTW Agreement”) did not state that the use of such combined public housing operating and capital funds and voucher program funds (collectively, “MTW Funds”) was restricted to those uses specified in Sections 8 and 9 of the 1937 Act.

The Agency and HUD hereby agree that they do not intend for the Amended and Restated MTW Agreement to limit or restrict the authority to use MTW Funds as provided by the Original MTW Agreement, that notwithstanding any language to the contrary, those provisions in this Agreement or its attachments that restrict the use of funds to Sections 8 and 9 are repealed, and the Agency may use MTW Funds to provide housing assistance for low-income families, as defined in section 3(b)(2) of the 1937 Act, and services to facilitate the transition to work, whether or not any such use is authorized by Sections 8 or 9 of the 1937 Act, provided such uses

are consistent with other requirements of the MTW statute [i.e., including but not limited to the requirements to maintain a comparable mix of families and serve substantially the same number of families as would have been assisted if the Agency were not in the MTW demonstration, assuring that housing assisted under the demonstration meets housing quality standards established or approved by the Secretary, that at least 75 percent of the families assisted be very low income families, that the agency has established a reasonable rent policy that is designed to encourage employment and self-sufficiency by participating families, that the requirements of sections 12 of the 1937 Act are applied to any housing assisted under the demonstration other than housing assisted solely because of occupancy by families receiving tenant-based assistance, and that Section 18 of the 1937 Act shall continue to apply to public housing notwithstanding the use of any use of the housing under the demonstration] and have been proposed in an Agency's Annual MTW Plan and approved by HUD.

Notwithstanding the above, such funds remain Federal funds, and are subject to any and all other Federal requirements outside of the 1937 Act (e.g., including but not limited to Appropriations Acts, competitive HUD notices of funding availability under which the Agency has received an award, state and local laws, Federal statutes other than the 1937 Act, and OMB Circulars and requirements), as modified from time to time.

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed by their duly authorized representatives.

MASSACHUSETTS DEPARTMENT OF  
HOUSING AND COMMUNITY  
DEVELOPMENT

By: \_\_\_\_\_

Name: Tina Brooks

Its: Undersecretary

Date: \_\_\_\_\_

UNITED STATES DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

## **ATTACHMENT D**

### **LEGACY AND COMMUNITY-SPECIFIC AUTHORIZATIONS**

#### **TO AMENDED AND RESTATED MOVING TO WORK AGREEMENT BETWEEN U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE MASSACHUSETTS DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

##### **General Conditions**

Where this Amended and Restated MTW Agreement requires that a board resolution be obtained, MDHCD may instead provide HUD with a letter, or equivalent, from MDHCD's Director.

##### **Use of MTW Funds**

The Agency and HUD acknowledge that Section 204(a) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134) provides that an agency participating in the MTW demonstration program may combine public housing operating and capital funds provided under Section 9 of the U.S. Housing Act of 1937 (the "1937 Act") and voucher program funds provided under Section 8 of the 1937 Act "to provide housing assistance for low-income families, as defined in section 3(b)(2) of the 1937 Act, and services to facilitate the transition to work on such terms and conditions as the agency may propose and the Secretary may approve."

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serve substantially the same number of families as would have been assisted if the Agency were not in the MTW demonstration, assuring that housing assisted under the demonstration meets housing quality standards established or approved by the Secretary, that at least 75 percent of the families assisted be very low income families, that the agency has established a reasonable rent policy that is designed to encourage employment and self-sufficiency by participating families, that the requirements of sections 12 of the 1937 Act are applied to any housing assisted under the demonstration other than housing assisted solely because of occupancy by families receiving tenant-based assistance, and that Section 18 of the 1937 Act shall continue to apply to public housing notwithstanding the use of any use of the housing under the demonstration] and have been proposed in an Agency's Annual MTW Plan and approved by HUD.

Notwithstanding the above, such funds remain Federal funds, and are subject to any and all other Federal requirements outside of the 1937 Act (e.g., including but not limited to Appropriations Acts, competitive HUD notices of funding availability under which the Agency has received an award, state and local laws, Federal statutes other than the 1937 Act, and OMB Circulars and requirements), as modified from time to time.